IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1690 of 2007

BHAGWATI AGRO INDUSTRIES
V/S
STATE & ORS.

Mr. ANJAY KOTHARI, for the appellant / petitioner

Date of Order : 26.4.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

It is contended by learned counsel for the petitioner that the Division Bench of this Court in D.B.Civil Special Appeal No.497/2002-Lakshmi Cement Vs. State of Rajasthan & Ors. vide order dated 24.3.2003 has referred the matter to Larger Bench for adjudication, as to whether the reopening can be ordered on the ground of change of opinion, and that while making such reference, interim stay was granted directing that final assessment may not be made.

In the present case, as a matter of fact, the assessment has already been made. In that view of the matter, the petitioner may pursue his remedies in the hierarchy under the Act, and it is informed that appeal has already been filed. In that view of the matter, I am not inclined to entertain the writ petition. The same is, therefore, dismissed summarily.

(N P GUPTA),J.

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